

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE

Serial Number: 10/698,857

Filing Date: October 31, 2003

Title: FLUID BALANCED PAINT SYSTEM

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Dkt: 1979.007US1

REMARKS

This paper responds to the Office Action mailed on March 15, 2007.

No claims are amended, claims 14, 21, 26, 28, 29, 33, 39, and 43 are canceled herein without prejudice or disclaimer, and no claims are added; as a result, claims 1, 4-9, 13, 15-17, 22-25, 27, 30-32, 34-38 and 40-42 are now pending in this application.

Allowable Subject Matter

Claims 1, 4-9, 13, 15-17, 22-25, 27, 30-32, 34-38 and 40-42 have been allowed.

§112 Rejection of the Claims

Claims 21, 26, 28, 29, 33, 39, and 43 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. These claims are canceled and hence the rejection thereof is now moot.

§103 Rejection of the Claims

Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Schellenger (US 2,002,481) in view of Miller et al. (US 2,590,442). Applicant herein cancels claim 14 without prejudice or disclaimer. The rejection thereof is now moot.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 349-9587 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of

priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

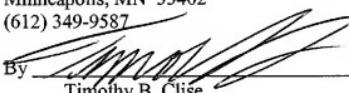
Respectfully submitted,

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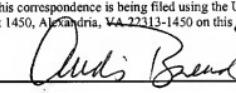

Timothy B. Clise
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Date 21 May '07

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 21 day of May 2007.

CANDIS BUENDING

Name


Signature